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*J. M. Cooper*



PATENT

Attorney Docket No.: 14538A-004010US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:

Jonathan A. Cooper *et al.*

Application No.: 09/486,293

Filed: February 22, 2000

For: ISOLATION AND EXPRESSION OF  
A DISABLED PROTEIN GENE  
MDAB1 AND METHODS

Customer No.: 20350

Examiner: K. Gebreyesus

Art Unit: 1652

**DECLARATION PURSUANT  
TO 37 CFR §1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Jonathan A. Cooper, declare as follows:

1. Brian W. Howell and myself are named as inventors of the subject matter claimed in the above-identified patent application.
2. I have read the outstanding Office Action, dated March 15, 2005, and understand that the Examiner has the following concerns.
3. Brian W. Howell, Frank B. Gertler, and myself are co-authors of the publication entitled, "Mouse disabled (mDab1): a Src binding protein implicated in neuronal development," *The EMBO Journal* 16(1):121-132 (1997), (hereinafter "the Howell *et al.* reference"). The Howell *et al.* reference has been cited by the Examiner as art under 35 U.S.C. § 102(a) anticipating claims 1-3, 5-8, 10-18 (as applied to previous claims 1-17).

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4. Further, GenBank Accession Number Y08379 submitted by Brian W. Howell and citing the Howell *et al.* reference has been cited by the Examiner under 35 U.S.C. § 102(a) as anticipating claims 1-3, and 5.

5. We have previously argued that the references are our own work and are not proper references under 35 U.S.C. § 102(a) and that Frank B. Gertler is not an inventor of the claims in the subject application.

6. The invention described and claimed in the subject application was conceived by Brian W. Howell and myself, and reduced to practice either by us or by others under our direction and supervision. Frank B. Gertler is not an inventor of the subject matter claimed in the present application.

7. Frank B. Gertler was a post-doctoral fellow who collaborated with co-inventor Brian W. Howell on the studies to localize mDab1 expression in whole mount murine embryos as described in the Howell *et al.* reference at page 130, right column, lines 31-45 and at page 125, left column, lines 35-57. The study was conducted under the direction of Dr. Howell.

8. In summary, Brian W. Howell, Frank B. Gertler and myself were named as co-authors on the Howell *et al.* publication and cited in GenBank Accession No. Y08379, each having provided assistance in the studies described in the Howell *et al.* reference and Accession No. Y08379. As Frank B. Gertler provided support and assistance in carrying out a localization study to characterize the mDab1 protein conceived of and reduced to practice by Brian W. Howell and myself. He did not participate in the conception of, or the reduction to practice of the subject matter disclosed and claimed in the present application, he therefore is not an inventor.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

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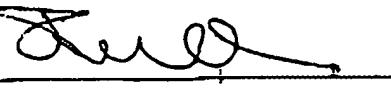
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punishable by fine or imprisonment, or both, under Section 1001 of Title 19 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated:

June 28 2006

By:



Jonathan A. Cooper

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